



Paul R. LePage
Governor

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035

Anne L. Head, Esq.
Commissioner

Geraldine L. Betts
Administrator

Maine Board of Pharmacy
Minutes of June 7, 2012 Board Meeting

CALL TO ORDER

President Bruno called the meeting to order at 9:00 a.m.

MEMBERS PRESENT

Joseph Bruno, R.Ph., Pharmacist, President
Courtney Oland, R.Ph., Pharmacist
Donald Watson, R.Ph., Hospital Pharmacist
Paul Chace, R.Ph., Chain Pharmacist
Joseph Pietroski, Public Member

MEMBERS ABSENT

Shane Savage, R.Ph., Independent Pharmacist
William Sandstead, Public Member

STAFF PRESENT

Geraldine Betts, Administrator
Kelly McLaughlin, Senior Consumer Assistance Specialist
Deborah Thompson, Professional Licensing Supervisor
Kristen King, Planning and Research Associate I
Carrie Carney, AAG, Board Attorney
Thomas Avery, Chief Field Investigator

OLD BUSINESS

Review and approval of the minutes of May 3, 2012

In a motion by Chace, seconded by Pietroski, to accept the minutes of May 3, 2012, as presented.
Motion carried, Oland recused.



NEW BUSINESS

Complaint Committee's Report

Adjudicatory Hearing – Randall Smith 2011 PHA 7477

In a motion by Pietroski, seconded by Oland, in the matter of Randal Smith, 2011 PHA 7477, the board's finding includes the following: 1) violation of 10 MRS § 8003(5-A)(A)(1), (6) and (5); 2) reprimand; 3) fine of \$1500.00; 4) obtain five (5) additional CEU's concerning Pharmacy Law, due by December 31, 2012; and 5) fifteen (15) calendar day license suspension pursuant to 5 MRSA § 10004, to begin upon licensees receipt of the Final Decision and Order. Motion carried.

Adjudicatory Hearing – Kyle Packard 2011 PHA 7724

The adjudicatory hearing in the matter of Kyle Packard, 2011 PHA 7724, was resolved with a consent agreement prior to the meeting.

Adjudicatory Hearing – Danijela Zjaca 2011 PHA 7661

The adjudicatory hearing in the matter of Danijela Zjaca, 2011 PHA 7661, was resolved with a consent agreement prior to the meeting.

Complaint Committee's Report

2012 PHA 7898

In a motion by Oland, seconded by Watson, to deny the request to amend the terms of the original consent agreement offered on May 3, 2012, in the matter of 2012 PHA 7898, and to re-offer the original consent agreement. Motion carried, Chace recused.

2012 PHA 7937

In a motion by Chace, seconded by Watson, to dismiss 2012 PHA 7937, with a Letter of Guidance regarding future licensure. In the future, licensee is to be prudent when following up with pending matters before licensing boards, particularly licensure applications. The Letter of Guidance is to remain on file for a period of ten (10) years. Motion carried, Bruno opposed.

2012 PHA 7916

In a motion by Pietroski, seconded by Watson, to amend the original consent agreement terms as offered on April 24, 2012 in the matter of 2012 PHA 7916 to include the following: 1) admission to violation of 10 MRS § 8003(5-A)(A)(8); 2) warning; and 3) fine of \$5000.00 to be paid within one (1) year. Motion failed.

In a motion by Chace, seconded by Oland, to amend the original terms of the consent agreement offered on April 24, 2012 in the matter of 2012 PHA 7916, to include the following: 1) fine of \$10,000.00 to be paid within one (1) year of signing the consent agreement. Motion carried.

2012 PHA 8014

In a motion by Chace, seconded by Oland, to table 2012 PHA 8014 to a future meeting. Motion carried.

2012 PHA 8158

In a motion by Chace, seconded by Oland, to table 2012 PHA 8158 to a future meeting. Motion carried.

2012 PHA 8050

In a motion by Oland, seconded by Watson, to schedule 2012 PHA 8050 for an adjudicatory hearing and to offer a consent agreement to include the following: 1) admission to violation of Board Rules Chapter 30 Sections 1(15) and (16); 2) warning; and 3) fine of \$500.00. Motion carried.

2004 PHA 413

In a motion by Watson, seconded by Pietroski, in the matter of 2004 PHA 413 to grant the request to terminate consent agreement. Motion carried. Bruno and Chace recused.

2012 PHA 8092

In a motion by Oland, seconded by Pietroski, to table 2012 PHA 8092 to a future meeting. Motion carried.

Board Action on Initial Applications

Akorn, Inc. – MF30001266

In a motion by Chace, seconded by Oland, to preliminarily deny licensure to Akorn, Inc., MF30001266, and to offer a consent agreement to include the following: 1) admission to violation of 10 MRS § 8003(5-A)(A)(2); 2) warning; and 3) fine of \$250.00 for each violation for a total fine amount of \$500.00. Motion carried.

Dawn Kjenstad – PT60010127

In a motion by Pietroski, seconded by Watson, to grant licensure to Dawn Kjenstad, PT60010127, as presented. Motion carried.

Edward T. Moldenhauer Jr. – PR6485

In a motion by Chace, seconded by Oland, to accept staff's recommendation and to grant authorization to take the MPJE to Edward T. Moldenhauer Jr., PR6485. Motion carried.

Gavin Morse – PT60009761

In a motion by Pietroski, seconded by Chace, to grant licensure to Gavin Morse, PT60009761, as presented. Motion carried.

Teva Animal Health – WH70001843

In a motion by Chace, seconded by Oland, to preliminarily deny licensure to Teva Animal Health, WH70001843, and to offer a consent agreement to include the following: 1) maintain compliance with the FDA order; and 2) report any amendments or violations to the Board within 10 days. Motion carried.

Tri Coast Pharmacy, Inc. – MO40001291

In a motion by Watson, seconded by Chace, to grant licensure to Tri-Coast Pharmacy, Inc., MO40001291, as presented. Motion carried.

Jyoti Contractor – PTI60009915

In a motion by Pietroski, seconded by Watson, to grant licensure to Jyoti Contractor, PTI60009915, as presented. Motion carried.

Metro Treatment of Maine, LP – PH50001445

In a motion by Pietroski, seconded by Oland, to grant Metro Treatment of Maine, LP, PH50001445, the waiver as requested. Motion carried.

Andrew Carpenter – PR5892

In a motion by Pietroski, seconded by Oland, to waive the MPJE examination and to grant licensure to Andrew Carpenter, PR5892, as presented. Motion carried.

Coastal Med Tech, Inc. – MGD80001106

In a motion by Pietroski, seconded by Oland, to preliminarily deny licensure to Coastal Med Tech, Inc., MGD80001106, and to offer a consent agreement to include the following: 1) admission to violation of 10 MRS § 8003(5-A)(1), (6) and (8) and 10 MRS § 8003-G(2)(A); 2) reprimand; and 3) fine of \$1500.00 for first prescription and \$1.00 per prescription thereafter for a total fine of \$1566.00. Motion carried.

Estelle Kuchta – PT60009892

In a motion by Oland, seconded by Watson, to grant licensure to Estelle Kuchta, PT60009892, as presented. Motion carried, Chace recused.

Board Action on Renewals

Raymond Depiero – PR3787

In a motion by Oland, seconded by Chace, to preliminarily deny licensure to Raymond Depiero, PR3787, and to send a letter informing the Board of Pharmacy in Kentucky, that the licensee has applied for licensure in the State of Maine. Motion carried.

Christine Davis – PR4108

In a motion by Chace, seconded by Oland, to issue a second preliminarily deny licensure to Christine Davis, PR4108, pursuant to 10 M.R.S. § 8003(5-A)(A)(1) and (5). Motion carried.

CanaRx Discussion

In a motion by Oland, seconded by Chace, to refer CanaRx to the Attorney General's office for immediate investigation pursuant to 32 MRS § 13702-A(9), (17) and (24) and 10 MRS Section 8003-C(2). Motion carried.

Board Action on Education

Western New England University College of Pharmacy (WNE) – pre-candidacy accreditation
In a motion by Chace, seconded by Oland, to consider the pre-candidacy status granted by Accreditation Council for Pharmacy Education for the Pharm. D. programs offered at Western

New England University College of Pharmacy (WNE) an equivalent program approved by the Board for the purpose of 32 MRS § 13732 (1)(D). Motion carried.

Correspondence

E-Correspondence of May 18, 2012, David Kosar, regarding dispensing to a practitioner for office use

The Board concluded that compound products are only for a specific patient's immediate need and anything outside of this would rise to the activity of manufacturing. A pharmacist cannot sell compounded product to a practitioner.

Administrator's Report

Administrator Betts informed the board that she will be analyzing the biennial budget and determining whether fees are appropriately structured. She will be working on financial projections for fiscal years 2014 and 2015 and will advise the board as quickly as possible should anything change within the budget.

Public Comments

None

Adjournment

There being no further business Bruno motioned to adjourn at 2:05 p.m., seconded by Chace. Motion carried.